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Via Email: [policy@gov.ns.ca](mailto:policy@gov.ns.ca)

**Re: CWTA Comments, *Revising our Path Forward: A public discussion paper about solid waste regulation in Nova Scotia***

1. The Canadian Wireless Telecommunications Association is the recognized authority on wireless issues, developments and trends in Canada. It represents wireless service providers as well as companies that develop and produce products and services for the industry, including handset and equipment manufacturers, content and application creators and business-to-business service providers.
2. CWTA administers Recycle My Cell (RMC), a free, national, industry-led, recycling program for mobile devices which has served as a regulated EPR program in Nova Scotia since January 2009. RMC has also received regulatory approval in British Columbia, Manitoba, and Newfoundland and Labrador; operates under MoU in Alberta and Prince Edward Island; operates with Ministry support in New Brunswick and Saskatchewan; and operates in all other provinces and territories as a voluntary program.
3. RMC accepts mobile devices that were primarily manufactured to connect to a cellular or paging network. Examples of such devices include cellular phones, wireless smartphones, wireless PDAs, removable external aircards, and pagers. Orphan, historic, and imported mobile devices, as well as mobile devices from non-participating brand owners, are also accepted by the program when consumers return such products a participating drop-off location
4. Under RMC, brand owners also operate their own corporate programs to collect, reuse and recycle mobile devices.
5. RMC uses a return-to-retail collection model. Consumers can readily return mobile devices at all participating retail stores operated by brand owners within the province during normal business hours.

6. In 2013 there were 119<sup>1</sup> mobile device drop-off locations in Nova Scotia. While the vast majority of these locations are affiliated with member programs, there were also 19 RMC branded drop-off locations being hosted by various third-party locations.
7. In instances where a drop-off location is not available, RMC offers several mail-back options through its member programs, which will allow any consumer in the province with access to Canada Post service the ability to conveniently and easily return their devices and accessories at no cost.
8. Since 2009, 103,910 devices have been recovered in Nova Scotia as a result of RMC and member initiatives.
9. Processors involved in the program are ISO certified and/or verified under Electronic Products Recycling Association's Recycling Vendor Qualification Program meaning they have an environmental management system in place which ensures accountability and knowledge of the associated environmental impacts.
10. Recycle My Cell is supported by Bell (including Aliant, The Source, Solo, and Virgin Mobile), BlackBerry, Eastlink, GEEP Inc., Google (formerly Motorola Mobility), GREENTEC, LG Electronics Canada, Inc., Lynx Mobility, Microsoft (formerly Nokia), Rogers Communications (including Rogers Wireless and FIDO), Samsung Electronics Canada Inc., SaskTel, Sims Recycling Solutions, Sony of Canada, TBayTel, TELUS (including TELUS Mobility, MiKE and Koodo), and Videotron.
11. As such, changes to Nova Scotia's solid waste regulations directly impact CWTA, its members and associates, and the programs that each operate within the province.

***Does the list of products make sense?***

***What is a suitable time frame for implementing this policy shift?***

12. CWTA does not have any specific comments concerning the list of products or timing for implementing EPR. However, it is important to note that any additional material added should be clearly defined in a manner that is consistent with other jurisdictions; as many of our members are responsible for a variety of materials, it becomes challenging for them when the definitions of what is included are not properly harmonized.
13. In addition, Nova Scotia Environment (NSE) should look to the recent examples of EPR program development and implementation for new materials in other jurisdictions in order to learn from their experiences. Different materials may require different start-up times based solely on whether they are part of an EPR program in other Canadian provinces; materials that are already part of an EPR scheme elsewhere may not need the same amount of lead time as processes have already been developed.

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<sup>1</sup> Appendix 1 – Map and list of communities served as of 2013 Annual Report

***In a stewardship framework, what is the role for: Manufacturer/Producer (Brand Owner); Retailer; Consumer; Municipality; Private Recycling Operator; Material Haulers; and NS Environment and RRFB NS.***

14. **Manufacturer/Producer (Brand Owner):** The role of a brand owner within an EPR scheme is to develop a stewardship plan and implement a program to collect and manage (recycle, reuse, recover) their products at end of life. How these requirements are put into operation should be determined by brand owners and based on their knowledge of their materials and regulations that are in place.
15. In the Revising our Path Forward discussion document, NSE proposes that “each brand owner of a designated product” submits a plan that outlines how they will manage their material to ensure it does not end up in landfill. CWTA submits that this may not be a workable solution for either the Ministry or brand owners as it would require the submission of multiple plans for the same material. Other provinces have allowed brand owners the flexibility in meeting their obligations by assigning an agent which allows them to work together with other brand owners to maximize efficiencies while managing costs. In cases where brand owners may wish to appoint an agency, as wireless carriers and manufacturers have done so with CWTA, they should be allowed to continue with that practice.
16. **Retailer:** The role of a retailer may vary based on the product, their affiliation with the brand owner, or their designation as the brand owner. For instance:
  - a. For a material that is small in size, like a cell phone, retailers may opt to serve as a collection point in order to provide additional services to their customers. For example, participating carrier-affiliated retailers that are part of RMC serve as the primary mechanism of material collection for the program. Non-affiliated third-party retailers are able to join the program voluntarily via the RMC-branded program.
  - b. Where a retailer is the designated brand owner, they should be obligated to follow the same rules as all other brand owners.
17. Retailers can also play an important role in educating consumers about their recycling options. In a digital age, with all the options available to them, consumers are more receptive to information that they can find when they have a need for it. As such, CWTA submits that information on recycling should be made available to consumers through retailer Web sites.
18. **Consumers:** The consumer is an integral part of any waste solution: they are the ones that must take action. However, it should be understood that whether a consumer recycles their material or not, and whether they recycle using a regulated program or not, is their decision. Brand owners can establish programs that provide a convenient and accessible solution but the consumer may opt to use other mechanisms. In the case of materials that have a value at the end of life, like cell phones and increasingly smartphones, many consumers opt to store their old devices, give them to family or friends, or sell them on classified Web sites like Kijiji.
19. **Municipality:** Where possible municipalities should support regulated EPR programs. Whether this occurs as a result of the municipality acting as a drop-off location, or ensuring that those living within their communities have information about their options, should be left to the municipality to decide.

20. **Private Recycling Operator:** Many processors operate as for-profit businesses and have established a presence in the market place. While these businesses should be allowed to continue their operations, they should also be required to follow industry best practices, and to report on volumes of material that they collect and process through non-EPR programs.
21. **Material Haulers:** CWTA does not have any specific comments concerning the role of material haulers.
22. **Nova Scotia Environment:** NSE should continue in its current role. As the regulator, it must set policy that is fair, flexible to take into account differences in materials, and that will provide a level playing field. It is the job of NSE to set the rules by which everyone must abide, approve plans, monitor performance and hold brand owners accountable for compliance.
23. It is not NSE's role to dictate performance measures or targets. Each material is unique; a cell phone is markedly different from a water bottle, and even from other electronics.
24. **RRFB NS:** CWTA does not have any specific comments concerning the role that RRFB NS should have other than to note that programs that currently fall outside of RRFB's mandate and scope should remain so. Mandating organizations into a relationship with a third-party has not worked as intended in other jurisdictions. Any relationship between CWTA and RRFB, for example, should be purely voluntary and based on common areas of interest identified by either party.

***Should the roles be different for different products?***

25. The role of brand owners and NSE will likely be the only consistent element within the EPR framework. From a practical perspective, the nature of the material will dictate what the role of the other parties will be.

***Should the stewardship framework and material bans apply to all Nova Scotians, residents and businesses alike?***

26. NSE is likely the best positioned to answer this using itself as the "business" in question. In the current structure where EPR programs for certain materials already exist, how many programs does NSE utilize for the management of its materials at end of life?
27. While there is an expectation that the general public will support and use the regulated EPR programs, this is not the case for governments and large institutions. There may be certain materials that for any number of reasons (e.g., security and privacy requirements) may not be funneled through an approved program. In many cases, these organizations enter into private arrangements with third-parties for the disposal of their products.
28. These relationships are problematic to approved EPR programs from the standpoint that EPR programs are unable to identify the volume of materials that this may encompass, nor validate their proper disposal, especially in those provinces where targets and fines form part of the regulated framework.

***How can material bans be phased in and implemented in a fair, effective, efficient and transparent manner? (Stewarded items (PP&P, HHW, etc.), C&D Materials, Textiles)***

***What other materials don't belong in the landfills?***

29. CWTA does not have any comments on these two items other than to say that consultation processes such as these are essential in allowing impacted parties the ability to provide their feedback in a meaningful way.

***How can the opportunities proposed be maximized?***

***How could challenges be reduced?***

30. The most appropriate way for governments to address EPR implementation challenges would be to trust the experience of those industries that have taken it upon themselves to develop and administer meaningful EPR programs, especially when those programs are approved and operational in multiple jurisdictions across the country.
31. CWTA has a unique perspective in administering a national EPR program. Given its operation in multiple jurisdictions and under various regimes (e.g., voluntary, MoU with Government, regulated but managed by third-party, regulated but direct relationship with Government) CWTA has had the opportunity to find best practices that allow the program to run efficiently in all environments. This experience has also highlighted the challenges when province's roll out new EPR regimes without considering those already in place.
32. While CWTA and its members recognize the need to take into account regional differences, we continue to encourage the Ministry to harmonize its EPR approach with those that are already in existence in other jurisdictions as much as possible, addressing best practices learned from each jurisdiction.

***How could NSE reduce red tape in the solid waste regulations?***

33. As the regulator, NSE should be interested in the performance results of the EPR programs and less interested in program mechanics and operation. The framework that is established should provide guidance to brand owners without prescribing a set one-size-fits-all solution.

***How can best management practices to reduce costs and maximize diversion be incorporated?***

34. Allowing brand owners to find efficiencies in program operations is advantageous to all stakeholders, not only to program participants. Efficiencies can only occur in environments that are similar and predictable.

***What other actions should be taken to support waste diversion goals for Nova Scotia and foster the sustainability of the recycling system?***

35. CWTA notes that there are already several regulated EPR programs operating in the province, RMC being one of them, which should be allowed to continue operating without impediment.
36. RMC has a five year history in Nova Scotia. CWTA and its members have worked to establish positive working relationships with NSE and other stakeholders, and to build and maintain an extensive collection network that provides consumers access and ease. All of this has occurred while RMC continues to operate with no fees charged to consumers purchasing or recycling mobile devices.

Brand owners that have proactively taken steps to be part of the solution should be recognized for the work that they have done, and continue to do.

37. Brand owners are rightly expected to manage their product at the end-of-life, however, for materials that have a market value there are numerous other entities able to recover the material without the same regulated obligations. The result is that unregulated entities actively engage in EPR-type activities at their own leisure and without oversight or reporting obligations.
38. While CWTA is not advocating that NSE interfere in the market place, CWTA does note that without there being a requirement for ALL players to follow the same rules those that take on their responsibilities are disadvantaged.
39. In conclusion:
  - EPR involves engagement from a broad range of players, especially the consumer. The consumer is ultimately responsible for what happens to material at the end of its life.
  - Harmonized regulations would allow for brand owners to find efficiencies in program operation to the continued benefit of residents in the province.
  - NSE should be interested in the performance results of the EPR programs and less interested in program mechanics and operation. NSE can set the framework that all must abide by, but should let brand owners determine the best way of getting there.
  - It is not NSE's role to dictate performance measures or targets, nor relationships with third-parties. Examples of how these approaches have failed in other jurisdictions are readily available.
  - EPR works best when all impacted stakeholders understand their responsibilities and are all held accountable; EPR is not intended to disadvantage those willingly doing their part.
  - Organizations that have approved, regulated EPR programs operating in the province should be allowed to continue running them.
  - CWTA and its members look forward to remaining a productive partner in the collection and processing of end-of-life wireless handsets and other devices in Nova Scotia.
  - CWTA appreciates the opportunity to participate in this consultation.

\*\*\*End of document\*\*\*

**Appendix 1 - Communities served by Recycle My Cell permanent drop-off locations:**



- Amherst
- Antigonish
- Barrington
- Bedford
- Boylston
- Bridgewater
- Chester
- Clark's Harbour
- Dartmouth
- Digby
- Elmsdale
- Greenwood
- Guysborough County
- Halifax
- Ingonish Beach
- Kentville
- Lawrencetown
- Lower Sackville
- New Glasgow
- New Minas
- North Sydney
- Port Hawkesbury
- Port Hood
- Shelburne
- Sydney
- Truro
- Whynott's Settlement
- Windsor
- Yarmouth

Postage-paid mail-back options are available in all communities with Canada Post service.